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GROUP 1200, Art Unit 1211

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To: Ms. Robin Silva (Attny./Agent)

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Flehr Hohbach et al.(Organization/Firm/Agency)

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From: Examiner L. E. Crane, Art Unit 1211.

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The Examiner's supervisor, John Kight III, may be reached at (703) 308-0204.

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5 No claims have been cancelled.

Claims **1-[10]19** remain in the case.

Applicant is requested to note that Examiner has had difficulty in determining the proper division of the instant subject matter because of confusion concerning claim dependencies and related
10 questions concerning proper antecedent basis. The following Restriction Requirement represents the simplest division Examiner could envision in view of the noted concerns.

Restriction to one of the following inventions is required under
35 U.S.C. §121:

15 I. Claims **1-3 and 11**, drawn to a method for making acetylenyl derivatives of 3, 8-dibromo phenanthroline, classified in Class 546, subclass 088.000.

20 II. Claim **6, 14 and 15**, drawn to polymers of a monomeric unit containing a metal complex and two acetylenic units, classified in Class 526, subclass 241.000.

III. Claim 7, drawn to a tris{bisacetylenyl phenanthroline metal complex}, classified in Class 546, subclass 088.000.

IV. Claim **8 and 16**, drawn to a nucleoside labeled with a acetylenyl phenanthroline attached through the heterocyclic base,

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classified in Class 536, subclass 028.540+ (based on Structure 9 at p. 12 of the disclosure).

V. Claims **9-10 and 17-19**, drawn to a nucleotide and a nucleoside phosphoramidite (See Structures 10-11 at p. 12 of the disclosure), respectively, each of which is labeled with a acetylenyl phenanthroline attached through the heterocyclic base, classified in Class 536, subclass 026.600.

Claims **4, 5 and 12-13 appear to link inventions IV and V** and will be examined with the elected invention to the extent to which they apply.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions **have different functions** as the first invention is directed to a method of making an acetylenated phenanthroline and the second invention is directed to a polymer made from a monomer containing two linked acetylenyl moieties and a phenanthroline/metal complex.

Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions **have different functions** the first invention being directed to a method of